

BEFORE THE ALTERNATIVE HEALTH CARE BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.111.2102 and 24.111.2103) PROPOSED AMENDMENT
pertaining to continuing education)

TO: All Concerned Persons

1. On January 14, 2009, at 9:30 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Alternative Health Care Board (board) no later than 5:00 p.m., on January 9, 2009, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdahc@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The board concluded that granting extensions of time for naturopathic physicians and midwives to complete continuing education (CE) requirements was difficult to administer and has not proven to be effective. The board is amending ARM 24.111.2102 and 24.111.2103 to no longer grant extensions of time for CE completion. Instead, the board is eliminating the cap on the number of credits that can be obtained by nonlive means of delivery to facilitate licensee completion of CE requirements by the renewal date. In addition, the board notes that availability of late renewal during the period following the renewal date under 37-1-141, MCA, effectively establishes a 45 day grace period for completion of CE requirements. The board is also amending these rules to clarify what is acceptable as documentary proof of completion of nonlive CE programs. Authority cites are amended to provide the complete sources of the board's rulemaking authority.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.111.2102 NATUROPATHIC PHYSICIAN CONTINUING EDUCATION REQUIREMENTS (1) remains the same.

~~(2) No more than five continuing education credits per renewal period may be obtained through electronic or other nonlive means of program delivery.~~

(3) through (6) remain the same but are renumbered (2) through (5).

~~(7)~~ (6) In accordance with 37-1-131, MCA, compliance with this rule shall be attested to by the naturopath on the renewal application ~~except as provided in (8)~~. The board will conduct random audits after each renewal period closes of 20 percent of all naturopaths with renewed licenses, for documentary verification of compliance. Documentary evidence of program completion must be maintained by the naturopath for a period of two years for audit purposes. Documentary evidence of completion of nonlive programs (e.g., internet, videotape, audiotape, DVD) may be in the form of proof that the naturopath passed an exam on the program content, a certificate of completion, or the naturopath's notes summarizing the program content.

~~(8) Prior to the renewal date set by ARM 24.101.413, a naturopath may apply to the board for an extension of time to complete continuing education requirements for the period then concluding. The request must enclose a detailed plan for completion of the requirements. The board may, in its sole discretion and for good cause shown, grant an extension of time of a specific duration. If granted, the naturopath must submit documentary verification of compliance by the extension deadline set by the board.~~

(9) and (10) remain the same but are renumbered (7) and (8).

AUTH: 37-1-131, ~~37-1-141~~, 37-1-319, 37-26-201, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

24.111.2103 MIDWIVES CONTINUING EDUCATION REQUIREMENTS

(1) remains the same.

~~(2) No more than five continuing education credits per renewal period may be obtained through electronic or other nonlive means of program delivery.~~

(3) through (6) remain the same but are renumbered (2) through (5).

~~(7)~~ (6) In accordance with 37-1-131, MCA, compliance with this rule shall be attested to by the midwife on the renewal application ~~except as provided in (8)~~. The board will conduct random audits after each renewal period closes of 20 percent of all midwives with renewed licenses, for documentary verification of compliance. Documentary evidence of completion of nonlive programs (e.g., internet, videotape, audiotape, DVD) may be in the form of proof that the midwife passed an exam on the program content, a certificate of completion, or the midwife's notes summarizing the program content. Documentary evidence of program completion must be maintained by the midwife for a period of two years for audit purposes.

~~(8) Prior to the renewal date set by ARM 24.101.413, a midwife may apply to the board for an extension of time to complete continuing education requirements for the period then concluding. The request must enclose a detailed plan for completion of the requirements. The board may, in its sole discretion and for good cause shown, grant an extension of time of a specific duration. If granted, the midwife must submit documentary verification of compliance by the extension deadline set by the board.~~

(9) and (10) remain the same but are renumbered (7) and (8).

AUTH: 37-1-131, ~~37-1-141~~, 37-1-319, 37-27-105, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdahc@mt.gov, and must be received no later than 5:00 p.m., January 22, 2009.

6. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at www.althealth.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdahc@mt.gov, or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

9. Lorraine Schneider, attorney, has been designated to preside over and conduct this hearing.

ALTERNATIVE HEALTH CARE BOARD
MAGGI BEESON, N.D., CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State December 15, 2008